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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/751,465	01/06/2004	Nobuyuki Kawai	002918.00023	2364
22907	7590	06/26/2006	EXAMINER	
BANNER & WITCOFF 1001 G STREET N W SUITE 1100 WASHINGTON, DC 20001			CHASE, SHELLY A	
			ART UNIT	PAPER NUMBER
			2133	

DATE MAILED: 06/26/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/751,465

Applicant(s)

KAWAI ET AL.

Examiner

Shelly A. Chase

Art Unit

2133

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 17, 18, 25 and 26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 17, 18, 25 and 26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

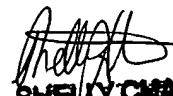
- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☒ Certified copies of the priority documents have been received in Application No. 08/904,312.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
- Paper No(s)/Mail Date 1-6-2004.

- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.


SHELLY CHASE
PRIMARY EXAMINER

DETAILED ACTION

1. Claims 17, 18, 25 and 26 are presented for examination. The preliminary amendment filed 1-6-2004 canceled claims 1 to 16, 19 to 24 and 27 to 34.

Priority

2. This application appears to be a division of Application No. 08/904,312, filed 7-31-1997. A later application for a distinct or independent invention, carved out of a pending application and disclosing and claiming only subject matter disclosed in an earlier or parent application is known as a divisional application or "division." The divisional application should set forth the portion of the earlier disclosure that is germane to the invention as claimed in the divisional application.

3. Acknowledgment is made of applicant's claim for foreign priority under 35 U.S.C. 119(a)-(d). The certified copy has been filed in parent Application No. 08/904,312, filed on 7-31-1997.

Information Disclosure Statement

4. The references listed in the information disclosure statement submitted on 1-6-2004 have been considered by the examiner (see attached PTO-1449).

Specification

5. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

Claim Objections

6. Claims 17 and 18 are objected to because of the following informalities: the phrase "the sequence number of the latest transmitted frame" recited in line 11 creates a seemingly antecedent basis error.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting

directly or indirectly from an international application filed before November 29, 2000.

Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

8. Claims **25** and **26** are rejected under 35 U.S.C. 102(e) as being anticipated by Miller (USP 5608722).

Claims **25** and **26**:

Miller teaches a multi-user communication system with distributed receivers, the system comprising: subscriber units (26 & 28) communicating through the mobile telephone switching office (MTSO) (12) with base stations (14 & 16) wherein another subscriber unit sends a call or message link request (see col. 9, lines 36 to 42). Miller also teaches that the MTSO transmits the request to the base stations and the base stations in return responding to the request, sends a paging signal (see col. 9, lines 40 to 51). Miller further teaches that when a subscriber unit sends a call or message link request, the communication system uses the paging signal to communicate messages to the subscribe unit that includes channel assignments ("sequence number") (see col. 9, lines 4 to 12). Miller also teaches that data is transmitted in frames at a fixed rate (see col. 16, lines 28 to 40).

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 17 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dawson et al. (USP 5594490) in view of Miller (USP 5608722).

Claim 17:

Dawson substantially teaches a system for distributing files from a central location to a plurality of cable headends, the system comprising: a central distribution station (3) that includes a transmitter server (TS) (9) for transmitting files stored in a storage medium (see col. 5, lines 45 to 66) wherein the files are transmitted according to a communication protocol with the data files being divided into a plurality of packets (see col. 6, lines 37 to 45). Dawson also teaches that the TCIP/IP protocol includes an error detection identification and that an optional forward error correction (FEC) provides error detection data where the receiving station can detect and correct errors (see col. 8, lines 15 to 40).

Dawson further teaches that the receiver server (RS) (39) checks the packets for errors and forwards the correct receive packets to a storage device (41) (see col. 9, lines 35 to 50). Dawson teaches modem (45) in the headends communicates with modem (17) in the central station when an error in the packet is detected (see col. 9, lines 42 to 55).

Dawson does not specifically teach a means for receiving a link request signal from an additional receiving station; and means for transmitting to the additional receiving station in response to said link request signal information indicating a

sequence number of the latest transmitted frame; however Miller in an analogous art teaches a multi user communication system wherein another subscriber unit sends a call or message link request and a controller transmitting the request to all the base stations or gateways (see col. 9, lines 37 to 40). Miller also teaches that the gateways or base stations in turn transmit paging signals for the intended recipient (see col. 9, lines 41 to 45). Miller further teaches that the paging message is used by the communication system to transmit data to the subscriber units when the subscriber units initiate a communication link (see col. 9, lines 4 to 12).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the communication system of Dawson to include a means for receiving a link request signal from an additional receiving station and responding to the request as taught by Miller since, Miller, teaches that an advantage of allowing another subscriber unit to communicate with the system provides reduced complexity for data transfer. This modification would have been obvious because a person of ordinary skill in the art would have been motivated to employ a system for reducing the complexity associated with data transfer as taught by Miller (see col. 5, lines 18 to 25).

Claim 18:

Dawson substantially teaches a system for distributing files from a central location to a plurality of cable headends, the system comprising: a central distribution station (3) that includes a transmitter server (TS) (9) for transmitting files stored in a

storage medium (see col. 5, lines 45 to 66) wherein the files are transmitted according to a communication protocol with the data files being divided into a plurality of packets (see col. 6, lines 37 to 45). Dawson also teaches that the TCIP/IP protocol includes an error detection identification and that an optional forward error correction (FEC) provides error detection data where the receiving station can detect and correct errors (see col. 8, lines 15 to 40).

Dawson further teaches that the receiver server (RS) (39) checks the packets for errors and identifies which packets need re-transmitting (see col. 9, lines 18 to 25). Dawson also teaches that the headends can communicate with the distribution station through power burst with respect to re-transmission request (see col. 10, lines 21 et seq.).

Dawson does not specifically teach a means for receiving a link request signal from an additional receiving station; and means for transmitting to the additional receiving station in response to said link request signal information indicating a sequence number of the latest transmitted frame; however Miller in an analogous art teaches a multi user communication system wherein another subscriber unit sends a call or message link request and a controller transmitting the request to all the base stations or gateways (see col. 9, lines 37 to 40). Miller also teaches that the gateways or base stations in turn transmit paging signals for the intended recipient (see col. 9, lines 41 to 45). Miller further teaches that the paging message is used by the communication system to transmit data to the subscriber units when the subscriber units initiate a communication link (see col. 9, lines 4 to 12).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the communication system of Dawson to include a means for receiving a link request signal from an additional receiving station and responding to the request as taught by Miller since, Miller, teaches that an advantage of allowing another subscriber unit to communicate with the system provides reduced complexity for data transfer. This modification would have been obvious because a person of ordinary skill in the art would have been motivated to employ a system for reducing the complexity associated with data transfer as taught by Miller (see col. 5, lines 18 to 25).


Conclusion

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shelly A. Chase whose telephone number is 571-272-3816. The examiner can normally be reached on Mon-Thur from 8:00 am to 6:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Albert Decady can be reached on 571-272-3819. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2133

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


SHELLY CHASE
PRIMARY EXAMINER